

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

FILED

NOV 21 2019

U.S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

GARY W. SAPPINGTON,

Defendant.

No.

**4:19CR00977 SRC/PLC**

**INDICTMENT**

**COUNT I**

The Grand Jury charges that:

At all times pertinent to the charges in this Indictment:

1. Federal law defined the term:
    - (a) “minor” to mean any person under the age of eighteen years (18 U.S.C. § 2256(a));
    - (b) “sexually explicit conduct” to mean actual or simulated
      - (i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex,
      - (ii) bestiality,
      - (iii) masturbation,
      - (iv) sadistic or masochistic abuse, or
      - (v) lascivious exhibition of the anus, genitals or pubic area of any person
- (18 U.S.C. § 2256(2)(A)); and

(c) “computer” to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. § 2256(6)).

(d) “child pornography” to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--

(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct. (18 U.S.C. § 2256(8)).

2. The “Internet” was, and is, a computer communications network using interstate and foreign lines to transmit data streams, including data streams used to store, transfer and receive graphic files.

3. On or about April 18, 2019, in the Eastern District of Missouri, and elsewhere,

**GARY W. SAPPINGTON,**

the defendant herein, did knowingly solicit, through the mail or using any means or facility of and in and affecting interstate and foreign commerce, by any means, including by computer, any material in a manner that reflected the belief and was intended to cause another to believe that the material solicited contains a visual depiction of an actual minor engaging in sexually explicit conduct, to wit the defendant used an internet-based social media application to solicit E.B., a minor, to send him a visual depiction of E.B. engaging in masturbation and lascivious exhibition of her genitals and public area.

In violation of 18 United States Code Section 2252A(a)(3)(B)(ii).

A TRUE BILL.

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FOREPERSON

JEFFREY B. JENSEN  
United States Attorney

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JILLIAN S. ANDERSON, #53918MO  
Assistant United States Attorney